

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ANTHONY JO-ALLEN McCOY,

Plaintiff,

v.

Civil Action No. **3:10CV875**

DR. ABBASI,

Defendant.

MEMORANDUM ORDER

On March 2, 2011, the Court ordered Plaintiff to pay an initial partial filing fee of **\$2.44** or state under penalty of perjury that he does not have sufficient assets to pay such a fee. Plaintiff asserts that he does not have sufficient assets to pay such a fee. Accordingly, upon review of Plaintiff's submissions, it is ORDERED that:

1. The action is FILED and Plaintiff is GRANTED leave to proceed *in forma pauperis*. The Court will undertake initial review of Plaintiff's complaint pursuant to 28 U.S.C. §§ 1915(e), 1915A, and 42 U.S.C. § 1997(e)(c).

2. The institution where Plaintiff is detained will mail to the Court twenty percent (20%) of all of Plaintiff's deposits until the balance of \$350.00 is paid. The payments shall be made on a monthly basis. The payments shall be DIRECTED to:

Clerk's Office
United States District Court for
The Eastern District of Virginia
Richmond Division
701 East Broad Street, Suite 3000
Richmond, Virginia 23219-3528


The payments shall bear the civil action number for this action.

If Plaintiff has been ordered to make filing fee payments in more than one action or appeal in the federal courts, the total amount collected for all cases cannot exceed twenty percent (20%) of the Plaintiff's preceding monthly income or trust account balance, as calculated under 28 U.S.C. § 1915(b)(1) & (2). In the event that Plaintiff is transferred, the balance due shall be collected and paid to the Clerk by the custodian at Plaintiff's next place of detention.

3. Plaintiff is reminded that he must retain a balance of twenty percent (20%) of his previous month's income in his account at his place of detention.

Let the Clerk send a copy of the Memorandum Order to Plaintiff. A copy of the Memorandum Order and Plaintiff's consent to collection of fees shall be sent to the accounting department at Plaintiff's place of detention.

It is so ORDERED.

_____/s/ 
M. Hannah Lauck
United States Magistrate Judge

Date: 4-8-11
Richmond, Virginia